

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-14827

CONNIE TEKE,

Defendant.

**OPINION AND ORDER DENYING DEFENDANT'S
MOTION TO SET ASIDE DEFAULT JUDGMENT**

Pending before the court is Defendant's "Motion to Set Aside Default Judgment," filed on November 3, 2009. This case arises from the Government's efforts to collect on a federally-guaranteed student loan taken by Defendant. The Government filed this suit on November 18, 2008, and it sent a copy of the summons and complaint by certified mail with a return receipt to Defendant. Defendant received the summons and complaint and signed the receipt. Defendant failed to respond to the summons and complaint, and the Government sought and obtained a default judgment. Now, nearly a year later, Defendant asks the court to set aside the default judgment based on an allegation of improper service.

Service of process was proper. Federal Rule of Civil Procedure 4(e)(1) authorizes service of process by any means authorized by the law of the state where service is effected or where the district court sits. In this case, the relevant state law is found in Michigan Court Rule 2.105(A)(2), which authorizes service of process in the

exact manner executed by the Government in this case: service by certified mail with return receipt requested. Service in this case was therefore proper.

“Where a court has entered judgment on a default, however, as it did here, Rule 55 states that a court may set aside that judgment only in accordance with the grounds laid out in Rule 60(b).” *Thompson v. Am. Home Assur. Co.*, 95 F.3d 429, 432 -33 (6th Cir. 1996). Defendant has made no showing that any of Rule 60(b)’s six grounds for relief were satisfied.

IT IS ORDERED that Defendant’s “Motion to Set Aside Default Judgment” [Dkt. # 21] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 7, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 7, 2009, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522